

**Remarks by Rep. Henry A. Waxman  
Chairman, Committee on Energy and Commerce  
National Cable and Telecommunications Association  
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*Introduction*

Thank you, James, for your introduction. Thank you, NCTA, for inviting me to speak today. And thank you, Jerry Yanowitz with the California Cable and Telecommunications Association, who has always kept me informed on issues affecting the cable industry.

For the past five years, I've had the great privilege of serving as Chairman, and now Ranking Member, of the Energy and Commerce Committee. The Committee's purview covers everything from health care to energy and environmental protection to consumer product safety. The communications and technology sectors are an increasingly important part of our work, as companies like yours play an ever-growing role in the daily lives of every American and the prosperity of our nation.

At the end of this year, I will be retiring from Congress after 40 years in office. In a way, we have come full circle. In my early years in Congress, it seemed to me that Tom Wheeler was running the cable industry. Forty years later, he's running it again.

When I first joined the Committee, the cable industry was a nascent player in the video market. Today it's a thriving part of our economy with influences far beyond the television set. Your companies invest billions of dollars in infrastructure and content and your employees live in every Congressional district. While you are an incumbent in the video delivery market, you have pursued an aggressive mobile and broadband strategy to stay competitive. One of my key goals in telecommunications policy has been to ensure a vibrant and competitive wireless market. I am pleased to have had the opportunity to work with the cable industry in advancing this common goal.

*Unlicensed & Public Safety and Spectrum Act*

In an otherwise thoroughly dysfunctional Congress, I am pleased we have continued our tradition on the Energy and Commerce Committee to work in a bipartisan way on telecommunications policy. One of my proudest accomplishments in the last Congress was the passage of the Public Safety and Spectrum Act, landmark legislation that enjoyed strong bipartisan support.

Congress enacted the law with multiple goals in mind. First and foremost, it delivers on one of the last remaining recommendations of the 9/11 Commission to create a nationwide interoperable public safety broadband network for first responders, known as "FirstNet." It also provided the Federal Communications Commission authority to conduct auctions to make a down payment on FirstNet while freeing up more spectrum to meet the ever growing demand for mobile broadband services.

I also had two key priorities for this legislation: promoting competition in the wireless marketplace and spurring continued innovation, such as the creation of new “Super WiFi” services. To meet this second goal, the law provided for some newly available spectrum to be allocated for unlicensed use.

Unlicensed spectrum has been an incredible economic success story. Innovative services like WiFi and BlueTooth are now ubiquitous parts of our communications system. The Public Safety and Spectrum Act advances unlicensed use in several ways.

It allows the FCC to use white spaces from the broadcast band for unlicensed use. It gives the FCC authority to reorganize these white spaces to maximize their value. And, perhaps most importantly, it allows the FCC to create “guard bands” in the repurposed broadcast television spectrum for new unlicensed services like “Super WiFi.”

This is smart spectrum policy that recognizes the increasing interdependency of licensed and unlicensed operations. Unlicensed spectrum has become a crucial part of wireless companies’ ability to handle mobile data. It is also key to cable companies’ strategy to provide streaming video anytime, anywhere. The guard bands will enhance the value of the spectrum to be auctioned by protecting it from interference and lead to the creation of a nationwide band of prime spectrum that can be used for innovative unlicensed applications.

The law also contained a small but important provision to open up additional spectrum for unlicensed services in the 5 gigahertz band. As existing unlicensed bands become increasingly congested, the 5 gigahertz band is poised to become a test bed for breakthroughs in delivering super-fast WiFi services. The FCC will soon be taking additional steps to unleash the potential of the 5 gigahertz band, and I look forward to working with the Commission in making the vision of “Gigabit WiFi” a reality.

The cable industry has been at the forefront of innovation in WiFi. You have been an unwavering partner in our efforts to provide more unlicensed spectrum and your support helped ensure the importance of unlicensed spectrum was recognized in the Public Safety and Spectrum Act. I look forward to continuing to work with you as these provisions are implemented.

### *Broadband Adoption*

Another priority I know we share is tackling broadband adoption. Ensuring that every American has access to communications services is a longstanding national policy goal embedded in communications law since 1934. Today, ubiquitous, affordable access to broadband is our universal service challenge. Unfortunately, digital divides still persist among vulnerable regions and populations across our nation.

The FCC estimates that nearly 100 million Americans do not subscribe to the Internet. Who are these Americans that don’t have broadband at home? They are seniors. They are people with lower levels of education. And they are people living in lower income households.

These Americans are effectively marginalized from our broadband economy. Without a broadband connection at home, they face barriers to jobs, government services, and communicating in ways that make our lives easier and that we take for granted every day.

Affordability is a major barrier to broadband adoption. That's why I've worked with my friend Congresswoman Matsui on the Broadband Adoption Act, which would modernize the FCC's Lifeline program to meet the 21<sup>st</sup> century communications needs of low-income Americans.

Through the Connect2Compete program and other initiatives, the cable industry has also worked to close the digital divide by providing low-income families discounted Internet service, reduced cost computers, and free digital literacy training. These are important commitments. We will need public and private partnerships to close the digital divide and prepare all our citizens to compete in the global economy.

### *Set Top Box Energy Efficiency*

The cable industry has also stepped forward to address energy efficiency. Set top boxes are notoriously inefficient and use almost the same electricity whether they are active or inactive. Working with the Department of Energy, consumer electronics manufacturers, and environmental groups such as the Natural Resources Defense Council, the cable industry committed to a voluntary agreement to improve the efficiency of set-top boxes by 10% to 45% by 2017.

This is a win for consumers, who should save more than \$1 billion per year on their electricity bills. And the electricity saved should eliminate more than five million metric tons of carbon dioxide emissions, which is a big win for our environment.

### *Open Internet*

I have also worked closely with your companies on network neutrality – although this is not always an area where we see exactly eye to eye.

We certainly agree that the Internet should remain a free and open platform for economic growth and competition. That is why I am pleased the D.C. Circuit Court recognized what many of us have said all along: the FCC has clear authority to regulate broadband and promote Internet openness.

I am pleased that Chairman Wheeler has announced plans to reinstate rules consistent with the principles of non-discrimination and no blocking. I've introduced the Open Internet Preservation Act with Congresswoman Eshoo and Senator Ed Markey because I see a clear need for these rules.

Many of your companies have committed to operate consistent with these principles. I commend them for that, but I believe it also makes sense for the FCC to have the ability to adopt and enforce forward looking network neutrality protections.

NCTA was a very constructive partner with me in 2010, when we sought a legislative compromise to address network neutrality. I hope we can continue to work together on this issue.

### *STELA Reauthorization*

Let me close with a few comments on the satellite reauthorization bill, which is a piece of legislation we must pass by the end of the year.

Due to the complexity of this bill, expiring provisions that must move through the Judiciary Committee and the Energy and Commerce Committee, and the difficulty Congress has had simply meeting the deadline in the past, my preference has been for a clean reauthorization of expiring provisions of the law.

While I appreciate the arguments for broader reform to our video laws, those issues may be more appropriately addressed through separate legislative efforts. Chairmen Upton and Walden have announced their intent to update the Communications Act, and I hope this effort follows the Energy and Commerce Committee's long tradition of taking a bipartisan approach to telecommunications policy.

Again, I want to thank you for the opportunity to be with you today and for the privilege I've had working with you over the years.